

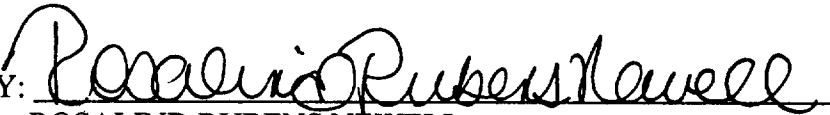
Entered - 2-19-01- sb
CL - 01L0128 ALEXIS HOLMES

CLAIM OF: **CHIQUITA D. PARKER**
Through her attorney
Lee Weinstein
31 Lenox Pointe, NE
Atlanta, Georgia 30324

01- *R* -1626

For vehicular damages alleged to have been sustained as a result of a
vehicle accident on January 11, 2001 at 2061 Bankhead Highway,
NW and N. Eugenia Place, NW.

THIS ADVERSE REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0128

Date: 9/20/01

Claimant /Victim CHIQUITA D. PARKER

BY: (Atty)(Ins.) Lee Weinstein

Address: 31 Lenox Pointe, NE Atlanta, Georgia 30324

Subrogation: Claim for Property damage \$ Bodily Injury \$ Unspecified

Date of Notice: 2/5/01 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)

Date of Occurrence 1/11/01 Place: 2061 Bankhead Highway, NW at N. Eugenia Place, NW

Department Police Division: FOD

Employee involved Officer D. Freeman Disciplinary Action: None taken

NATURE OF CLAIM: The claimant alleges that she sustained damages when her vehicle was struck by a suspect that the City was pursuing. The City driver was not directly involved in the accident. An investigation determined that the City driver was not in violation of City policies and/or procedures. Furthermore, the City is immune from liability as set forth under O.C.G.A. § 36-33-1 and § 36-33-3.

INVESTIGATION:

Statements: City employee Claimant Other X Written X Oral X

Pictures Diagrams X Reports: Police X Dept Report X Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months Other X Damages reasonable

City not involved X Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager:  Concur/date 09-21-01

Committee Action: Council Action

LEE M. WEINSTEIN
COUNSELOR AT LAW
31 LENOX POINTE, N.E.
ATLANTA, GEORGIA 30324

Law
Holmes
02/15/01
[Signature]

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MAJOR'S OFFICE
FEB 08 2001
ENTERED - 2-19-01 - SB
0110128 - ALEXIS HOLMES
Reviewed
Date: _____

VIA CERTIFIED MAIL, RETURN RECEIPT NO. Z 092 638 338

REVIEWED
Mayor's Constituents
FEB 08 2001
Logged: _____
Date: 2-8-01

January 31, 2001

Honorable William C. Campbell
City Hall, Suite 2400
55 Trinity Avenue, S.W.
Atlanta, GA 30335

Re: Chiquita D. Parker

Dear Mayor Campbell:

I represent Ms. Chiquita D. Parker, who was injured as a result of an automobile wreck that occurred on January 11, 2001, at 10:31 AM in the city of Atlanta. The wreck happened near the intersection of North Eugenia Road, N.W., and Bankhead Highway, N.W., and occurred as a result of a police chase of a vehicle driven by Elbert Curtis. This City of Atlanta police chase was unnecessarily risky and reckless. Furthermore, the chase's outcome constitutes a violation of the civil rights of Chiquita D. Parker.

Enclosed is a copy of the police report of the collision.

Ms. Parker's left leg was seriously injured, and she was hospitalized at Grady Memorial Hospital from January 11 until January 17, 2001. She required open surgery to her left knee and sustained fractures in her leg as well. The city of Atlanta, through its police officers, violated O.C.G.A. § 40-6-6 (d) (2) by recklessly disregarding its duty to cease an unduly long chase and by continuing pursuit when the risk to the claimant and other members of the public exceeded the benefits of apprehending juvenile offenders.

Honorable William C. Campbell
January 31, 2001
Page 2

I am sending a copy of this letter to the City Council, in care of its President Robert L. Pitts, and to Susan P. Langford, your City Attorney. This notice is sent to you pursuant to the requirements of O.C.G.A. § 36-33-5.

With best wishes, I am

Very truly yours,



Lee M. Weinstein

LMW/gn

Enclosure

cc: Robert L. Pitts
55 Trinity Ave., S.W.
Suite 2900
Atlanta, GA 30335
via certified mail

Susan P. Langford
City Hall Tower, Suite 4100
68 Mitchell Street
Atlanta, GA 30335-0332
via certified mail

01-R-1626